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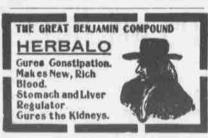
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## TOBACCO TRUST

Is "commerce?" What is "restraint" of trade or commerce? and What is it to "monopolize?"

What Is Commerce?

Around "What is commerce?" the principal fight in the Tobacco case probably is to be found. The commerce which the government claims is not commerce, according to the year: Tobacco attorneys. It is nothing more than the manufacture of an article which later enters into commerce. The bulwark behind which the Tobacco organization is making its fight along this line is the famous Knight decision, made even more famous by the reference to it by monopoly in manufacture of sugar, on the ground that it had authority to ernment has been disclosed. monopolies in commerce. The tobacco corporations claim that they are concerned only incidentally in

Again the dispute as to what is included in the word "Commerce," as referred to in the Sherman anti-trust law, arises in connection with the character of a holding company. Both the Standard Oil and the Tobacco orsanizations contend that the power granted by the constitution to reguiate interstate commerce is not so extensive as to include regulation of the acquisition and ownership of a holding company of stock in other corporations. The government argues that whenever a holding company necessarily stifles or directly and substantially restricts free competition in commerce, the United States has power to protect such commerce.

Restraint of Trade.

In the contest regarding the anstraint' of commerce?" the first dispute is over the interpretation of "restraint of trade" as equivalent to government advances the theory that reduction of competition means a rehigher prices. The corporations urge mean a reduction of expenses and consequently lower prices.

only to such restraints as are direct for the mineral and oils underneath. and material. One judge in passing mate business. The defendant organizations do not press this argu- its wires. ment so much, because they claim in their cases that no direct and ma- FAMOUS INVENTOR OF PUZZLES. terial restraint of commerce exists. This claim is based upon the argument that they are engaged princip best known and most successful inally, not in interstate commerce as were the railroads in the Northern ecurities case, but in the manufacture of goods, which may go into in-

terstate commerce later. Standard Oil Success.

under the law it could legally acquire the trade of the world in an article provided it did nothing to prevent others from competing with it. piled up volume on volume to sup-

Corporation Tax Cases. The corporation tax cases, eighteen in all, involve entirely different arguments. The corporation tax provisions of the Payne-Aldrich tariff act make \$10,000 in fifteen minutes?" provide for "a special excise tax with

net income over and above \$5,000." in various circuit courts by persons financially interested in the tax not

constitution.

Many Other Cases. Prosecutions for violations of the how to do his own puzzle.

owing socalled trusts: Tobacco Trust. Standard Oil Company, Sugar Trust,

Hard Coal Trust. Powder Trust.

St. Louis. Towing Trust, on the Great Lakes.

James A. Patton and others for an alleged corner in cotton. Beef Trust. Wholesale Grocers Trust.

Butter & Egg Trust. Brick Trust. Bath Tub Trust.

Paper Trust, fined \$57,000, Night Riders, fined \$3,500.

The following convictions were se-

Window Glass Trust, fined \$10,000.

Organized Frauds.

There are now suits under way to recover \$700,000 of which the customs revenue is said to have been former President Roosevelt last fall defrauded in Imports of cheese and in criticising the decisions of the figs from Mediterranean ports, indict-Supreme Court. In that case the ments are pending and some conviccourt declined to suppress an alleged tions have been secured. A highly organized system to defraud the gov-

> More than 30 individual indictments are pending against persons charged with smuggling with "sleeper trunks." Offers of compromise and prayers for immunity are in the hands sed to frauds in undervaluations,

> > Criminal Charges Brought,

Twenty-five criminal indictments charging rebating and other illegal discriminations are pending against railroads, private corporations and individuals. Two convictions with fines were secured during the year.

to place with the customs frauds and would bring here newcomers should violations of the anti-trust law. The do well," department won signal victories during the year against unlawful fencing of the public domain. In 98 goods and could arrange and systemcivil suits and 28 criminal prosecutions more than 400,000 acres of land swer to the question of "What is 're- illegally fenced were restored to the government,

Prosecutions against the Oregon & California Railroad Company and 45 make an effort to get conventions held the absence of free competition. The other defendants to recover 2,300,000 here with the co-operation of the acres of land valued at \$50,000,000 steamship companies and through the which the government claims are il- medium of special excursions. It straint on trade and consequently legally held, are noy pending. There would be a great thing for the town, are also under way 24 suits against particularly if special care was taken that a combination of producers may the Central Pacific Railway Company acres of valuable lands, which the government contends were illegally The government further contends patented, probably with the private that the Sherman anti-trust law refers knowledge that they were valuable

In the department's campaign on the Tobacco case in the circuit against Bucket Shops, 350 such court held that the law referred to places were closed, others voluntarily both sides in the telephone injunction every restraint without regard to di- closed as a result of the crusade and case within which the plaintiff may rectness or materiality. It is said indictments are pending against men file an amended bill, that this doctrine would stifle legiti- and corporations and the telegraph company which allowed the use of

In the May American Magazine W. P. Eaton tells about Sam Loyd, the ventor of puzzles-the man who invented "Pigs in Clover." Following markable man, who died last month:

"To the present writer, who never The third division of the contest is got the hang of a single puzzle in all over the interpretation of the word his life without belp, Sam Loyd is 'monopolize." The Standard Oil is the most remarkable person in the particularly concerned with this phase world, for he has invented 10,300 of the controversy, because the lower puzzles in more than half a century court found that it was attempting of diabolical activity. He began to monopolize. Attorneys for the when he was six by scaring the cook company advance the argument that with ventriloquial voices in the kitchen chimney and taking rabbits out of the pockets of his mother's guests in the parlor. At ten he was They declare the Standard Oil has a noted chess player and invented done nothing to prevent others from many chess problems. He studied to competing. Success has come to it, be an engineer, along with side so they claim, because of "untiring dashes into painting and drawing, energy, indefinite skill, abundant ca- languages and mathematics. But his pital and steady reinvestment of propensity to puzzle was too much early profits." The government has for him. While still almost a youth, he invented and drew a puzzle in port its contention that success was fifteen minutes, printed the first edition at a cost of less than \$5 and ultimate'y made \$10,000.

"'Who,' said he, 'would have remained an engineer when he could

"At any rate, Sam Loyd didn't. He respect to the carrying on or doing went into puzzle-making as a probusiness" by corporations, "equivalent fession, and he stayed with it. He to one por centum upon the entire was born in 1841, in Philadelphia, and is a cousin of John S. Sargeant. Each of the cases was originated the great pportrait painter. His first puzzle to be put on the market-the being paid. These persons asked the one which brought him the big recourts to enjoin the payment of the turns just mentioned,-was the fatax by respective corporations be- mous donkey puzzle. The pictures cause the tax was unconstitutional. of two donkeys and two men are The validity of the tax was upheld in printed on a card. You cut the card in three pi-ces and try to lay them The law is opposed principally on in such a manner that you put a the ground that it attacks the sover- rider on each donkey. One thousand eignty of the states by taxing state million of these puzzles have been franchises; that it invades the right sold in the last fifty years. It used to due process of law by levying a to be known as Barnum's Donkey that it is a direct tax not apportioned Puzzle, because Barnum bought thouamong the states, as required by the sands a week to distribute ahead of his show. Barnum himself, Sam Loyd said, could never remember

anti-trust law were foremost in the "Another of Loyd's 'best sellers' work of the past year in the Depart- was the 'Fifteen-block Puzzle,' A ment of the Attorney General Actions, still more famous one was 'Pigs in says the Attorney General, are now Clover,' which appeared simultaunderway or pending against the fol- neously with Mrs. Ward's 'Robert Elsmere, enjoyed quite as large a sale and left nearly as lasting an impression. Poor Sam Loyd, however, didn't get the benefit of this inven-

the Government wouldn't patent 'Pigs in Clover' because the patent laws call for a working model, and Terminal Railway Association of the department affirmed that his model wouldn't work. So the market was flooded by other makers. Loyd was also the inventor of 'Parcheesi,' 'Get Off the Earth' and 'Teddy and the Lions,' a recent puzzle, which shows eight flons printed partly on a square card, partly on a circular disk revolving within the square. Turn the disk and one of is being restrained and monopolized cured and fines imposed during the the lions vanishes from sight. The question is, where does he go? Nothing, naturally, happens to

Incorporated, printers, stationers and engravers of San Francisco, is spending a few weeks in Honolulu with his family, having arrived by the S. S.

Mr. Wober is greatly charmed with of the attorney general from several the scenery and climate of the isfirms of importers who have confes- lands. Of local business conditions as they impress him he has the following

> "Honolulu is a mighty good business! city and it would certainly profit some business people from the eastern and western states to locate here.

"Competition is not so keen here as or, the mainland and with advanced Land frauds are probably entitled ideas of merchandising, which they

"They could introduce modern methods of window and interior display of ize their different displacements in a way which would, in my opinion, get the money.

"What Honolulu wants to do is to of the visitors during their stay here." Mr. Wobber is a member of the

San Francisco Convention League. THE TELEPHONE CASE.

Further time, to May 25, has been stipu'sted between the attorney on

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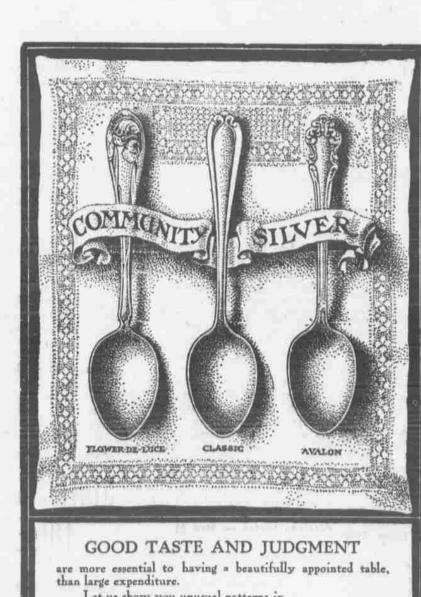
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